

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

John Roosevelt Baccus,)	C/A No. 8:13-3439-JFA-JDA
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Bristow Marchant and David C. Norton,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, John Baccus, is an inmate with the South Carolina Department of Corrections. He brings this action pursuant to 42 U.S.C. § 1983 contending that the defendants, United States Magistrate Judge Bristow Marchant and United States District Judge David C. Norton, have engaged in wrongful conduct and fraud upon the court in another one of plaintiff's cases, C/A No. 9:13-2309-DCN-BM (D.S.C.). He seeks compensatory and punitive damages in excess of \$3 trillion dollars against the defendants and his immediate release from SCDC custody.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the § 1983 action should be summarily dismissed. The

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

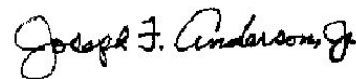
The plaintiff was advised of his right to file objections to the Report. While the plaintiff's objections are enumerated in his 81-page objection memorandum, they provide no basis for this court to deviate from the Magistrate Judge's recommended disposition and are repetitive of the claims in plaintiff's complaint. As such, they are overruled.

The Magistrate Judge correctly opines that a judicial officer in the performance of his or her duties has absolute immunity from suit. *Mireles v. Waco*, 502 U.S. 9, 2 (1991). The Magistrate Judge also opines that the alleged acts of Judge Norton and Magistrate Judge Marchant were judicial acts performed in a judicial capacity and no exception to the doctrine of absolute judicial immunity is applicable to this case. This court agrees.

After a careful review of the record, the applicable law, and the Report and Recommendation, and the objections thereto, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

All pending motions are denied.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

April 1, 2014
Columbia, South Carolina